

Court of Appeals, State of Michigan

ORDER

People of MI v Glasper Truman

Docket No. 305817

LC No. 10-006226-FH

Joel P. Hoekstra
Presiding Judge

Jane E. Markey

Douglas B. Shapiro
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court orders that the July 1, 2011 decision of the trial court is PEREMPTORILY REVERSED and its August 8, 2011 order effectuating that ruling is VACATED. Defendant is not entitled to an evidentiary hearing because, even if the material that is subject to the falsity challenge is stricken from the affidavit for search warrant, there remains sufficient content in the affidavit to support a finding of probable cause, that being the attestation that: "The canine gave a positive indication to narcotics on the north side of the residence at the front door." *Franks v Delaware*, 438 US 154; 98 S Ct 2674; 57 L Ed 2d 667 (1978); *People v Jones*, 279 Mich App 86; 755 NW2d 224 (2008); *People v Turner*, 155 Mich App 222; 399 NW2d 477 (1986). The matter is REMANDED to the trial court for entry of an order denying the motion to suppress. This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

SEP 21 2011

Date


Chief Clerk